

WOMEN IN LATE MEDIEVAL BRISTOL



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Cover illustration: John Lethenard and wife Joan, Chipping Campden, 1467
(From C.T. Davis, *The Monumental Brasses of Gloucestershire*, 1899)

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Late Medieval Bristol

During the fourteenth and fifteenth centuries Bristol was one of England's greatest towns, with a population of perhaps 10,000 after the Black Death of 1348.¹ Its status was recognised in 1373, with its creation as the realm's first provincial urban county, but only in 1542, with the creation of the diocese of Bristol, could it strictly be described as a city. Two of the mainstays of Bristol's economy were wine and cloth. Bristol was among the leading English ports for the import of wine from Gascony, but the loss of England's French possessions with defeat in the Hundred Years' War in 1453 caused serious short-term disruption to this trade. To some extent, Bristol merchants compensated for this by developing other markets. By the end of the fifteenth century Spanish wine made up one-third of the port's wine imports. Bristol was a centre for both cloth production and export. In the fourteenth century it was the greatest cloth exporting port in England, and only Salisbury exceeded it as a cloth producer, but this pre-eminence did not last long into the following century, and the town suffered a slow decline as both producer and exporter. Bristol's textile industry was hit by competition from rural producers, able to use water powered fulling mills and free from the restrictive practices of the guilds. Dyeing and finishing cloth continued to be a significant industry, and the town remained an important regional marketplace for cloth, but increasingly the region was being permeated by London cloth merchants.

Bristol was governed by a small elite of wealthy men, many of whom were merchants (wholesale overseas traders). The 1373 charter confirmed the mayor and common council as the town's governing body, but reduced the number of councillors from 48 to 40, and added a sheriff. Another charter, of 1499, augmented Bristol's governing body with an alderman for each of Bristol's five wards, who doubled as justices of the peace, and a second sheriff.

Among other things, county status meant that Bristol had its own courts of law. Of these, the most important was the Mayor's Court, which was competent to deal with all civil pleas and handled writs from

the king. The Tolsey Court, meeting in the Tolsey (a word meaning 'toll house') built at the side of St Ewen's church near the High Cross, had particular jurisdiction over commercial matters. There was also the Staple Court, concerned primarily with disputes over commercial credit, and the court of Piepowder (from the Norman-French *pieds-poudreux*, or dusty feet) which met during market days to determine disputes concerning those outsiders who had brought their produce for sale within the town.

The burgess class, of which the governing elite were a part, enjoyed the freedom, or full citizenship of the town. This meant that they had the right to a say in the governance of their community, and the privilege of trading freely, either wholesale or retail, without having to pay toll. For the rest of the population - the majority - economic survival was precarious and often depended on a burgess employer. In Bristol, women are not found as burgesses in their own right.

Women and the Urban Economy

The subject of women and their economic position in later medieval towns has enjoyed much attention from historians over the last thirty years.² Opinion has tended to divide between those who see the period from c.1348 to 1530 as a 'golden age' for urban women, in which the effects of the Black Death and subsequent recurrent epidemics brought opportunities for women which had not been seen before and would not be again until the nineteenth century; and those for whom the picture is much more one of continuity, with no significant improvement in the generally lowly status of female labour. What both sides are agreed upon, however, is the importance of women to the later medieval economy. Pre-capitalist production was based largely within the household. Whether in an urban or rural setting, it was the family (including live-in servants) which tended to organise the supply of raw materials, production, and the sale of produce. Within towns, the typical unit of production was the workshop: in functional, or social terms, this was made up of the master, apprentices and journeymen; in physical terms, it was the room beneath the family living accommodation, leading on to the shop fronting the street.

While the doctrine of 'separate spheres' had not reached its full development in the later Middle Ages, it was still the case that women were almost entirely associated with matters domestic. In consequence, so long as production was centred within the household, women could play an important part in it, not just by supplying labour, but sometimes also by participating in decision-making or having responsible positions which demanded specialised skills. Nor had the idea taken root that 'respectable' women did not work. The wives of wealthy merchants, just

like those of craftsmen and day labourers, expected, and were expected, to work, either assisting their husbands or working independently of them.

There is not space within this pamphlet to engage with the debate regarding the supposed later medieval 'golden age' for women. Less ambitious aims are pursued here. Primarily, the intention is to present Bristol as a case study, exploring the evidence for female involvement in the urban economy, and leaving its wider contextualisation to another occasion. The study of their economic position does not, of course, exhaust what can be said about women in later medieval Bristol. In particular, there is much to be written about female participation in religious practices, charity, and women's roles within the family, but these important subjects demand separate treatment.

The Trading Rights of Women

Before discussing women's roles in trade and manufacture, it is worth remembering that in this as in other periods, women made a vital but largely unrecorded contribution to the economy through their unpaid domestic labour. Apart from female domestic servants, who have left their mark in the historical record, the wives, daughters and sisters of craftsmen, male traders and merchants provided the vital infrastructure without which society could not function. One aspect of female domestic labour can be glimpsed in William Worcestre's survey of Bristol, made in 1480. Worcestre describes the slips, or stairs, leading down from the quayside at Welsh Back to the Avon,

where women wash woollen cloths: sometimes I have seen 12 women at a time at the foot [of the slip] at the river Avon, washing woollen cloths and other household items. For the goodwives, when the tide there flows back towards the sea, so that the river Avon coming from Bristol Bridge shall be clear and fresh, so then they do their washing at [those] particular times of the day.³

Domestic labour aside, economic activity in Bristol, as in other late medieval towns, was comprehensively regulated. As far as economic opportunities were concerned, the most important distinction was between those who were burgesses and those who not. The means of entry into the male elite of burgesses in later medieval Bristol were similar to those for most other comparable English towns of the period: for men not born the sons of burgesses, the freedom could in certain circumstances be purchased, by a process known as redemption, or entrance could be gained through apprenticeship to a burgess or to his widow, or by marriage to his daughter or widow. Marriage could only

bring burgess status if the groom was not of servile condition; if he was, his wife would be ejected from the burgess class. The daughters and widows of burgesses thereby provided the means by which new blood could flow in the veins of the upper ranks of the Bristol community. In Bristol as elsewhere, women maintained networks of influence and affinity which, though only faintly recorded in the historical record, underpinned the visible superstructure of male-dominated society.

Officially, women could take no part in the governance of Bristol: only burgesses could sit in Common Council and hold civic office, and women could not be burgesses in their own right. However, there was a lesser form of civic life which enjoyed some limited trading privileges within the town, and to which women could gain admittance. In 1366 a town ordinance established that those 'strangers' to the town who could not afford the full £10 redemption payment which would allow their enfranchisement as burgesses could pay a lesser fee to become portmen or portwomen.⁴ The formula of 'portmen' and 'portwomen' is used fairly consistently in the Bristol ordinances, whereas the equivalent phrase for burgesses is 'burgesses and their wives', suggesting that, unlike burgesses, women could enjoy port status in their own right. The 'port' element relates not to Bristol's function as a port, but is an old word for market: hence, the name St Mary-le-Port indicates that a market was once held at the gates of this town-centre church. Portmen and portwomen were excluded from a role in urban government, but around the mid-fourteenth century at least they do seem to have had trading privileges which were comparable to those of burgesses.

During the fifteenth century, however, there was a steady diminution in their status, accompanied by increasing constraints on their creation. By an ordinance of 1454/5 individuals were to be admitted to port rank on payment of an annual fine of 40d., but could sell freely no commodities other than bread and ale, and were not to be allowed any other trading privileges. In 1470/1 even this limited freedom was withdrawn and henceforth no portmen or portwomen were to buy or sell as burgesses within the town.⁵ The exemption of bread and ale in the first ordinance suggests that portwomen were particularly significant, perhaps even to the point where this rank was usually associated with women; the brewing and selling of ale was a common female activity. The importance of Bristol brewers is tacitly recognised by fourteenth-century ordinances which specify both male and female brewers, a practice not found in connection with other trades. An ordinance of 1344 which by an oversight mentioned only male brewers (*braciatores*) had to be reissued to include specific reference to females (*braciatrices*).⁶ There is also evidence for women's importance as retailers of bread.



Richard Mede (d. 1491) and his two wives, Elizabeth and Anne.
 St Mary Redcliffe, Bristol (From C.T. Davis, *The Monumental
 Brasses of Gloucestershire* (1899))

Another of the ordinances of 1344 required that bakers should not become involved in the retail trade, but should pass their bread on to female hucksters, who were allowed a profit of one penny on every shilling's worth of bread they sold.⁷ Thus, the two commodities particularly associated with port status in the mid-fifteenth century were also those with which female traders had been linked a century earlier. As such, the measures to restrict the rights and numbers of those of port status are likely to have had particular impact on women.

Under common law, the identity of married women was subsumed into that of their husbands. The term *femme covert* denoted those women whose legal presence was occluded by their husbands: they could neither make contracts nor trade without their husbands' permission, since legally, married women could not own any chattels or money. Legal opinion generally held that in cases where a woman contracted a debt on her husband's behalf or with his agreement or knowledge, he would be liable, not his wife. Such was the defence offered by Alice, wife of the Bristol dyer William Cornewall when, at some point between 1475 and 1485, she was sued by a Bristol merchant for a debt of £14, and consequently imprisoned.⁸ Alice argued that since she was *covert baron*, that is, legally covered by her 'baron' or husband, it was William who should be prosecuted. In this case a wife sought the legal protection offered by the doctrine of the *femme covert*. In other circumstances, the inability of married women to own goods had harmful consequences. At some time before his death in 1523 John Vaughan agreed that he and his wife, Agnes, should live apart, since 'certain variances, strifes and debates had grown and depended between them', and for her support gave Agnes certain goods, including a gilt cup, scarlet cloth and a fur. She gave these to her trusted friend Alice Chapman for safe keeping. Alice and John died. Agnes asked Alice's former husband for the goods, but he refused to give them up, pointing out that under common law, since married women could not own chattels, the goods had always belonged to her husband, and so now belonged not to her but to John's executor.⁹

The unwelcome consequences for the husband of a wife's secret transactions are illustrated by the case of John Salle. He claimed that without his knowledge his wife, Alice, had borrowed £4 from Stephen Stepsoft, a labourer, and given him certain unspecified pledges as security. She only confessed this to her husband on her deathbed. John Salle paid back the £4, but alleged that Stepsoft was not satisfied with this, and refused to return the pledges until he received £1 6s. 8d. in interest.¹⁰ Did Alice borrow the money because she wanted some independent spending power?

Other women chose to have themselves registered as *femme sole*, or 'single woman', for commercial purposes. The mayor's audits occasionally contain references to women paying to register as *femme sole*.¹¹ This allowed married women to trade and enter into contracts independently of their husbands. In this, as in so many of its customs, Bristol followed London's example.

Women and the Crafts

Bristol ordinances make occasional reference to women as small-scale retailers in commodities other than beer and bread. An ordinance of 1346 prohibited 'porteresses' from selling oiled wool or thread on any day other than a Friday, while a fifteenth-century proclamation ordered all female fishmongers to restrict their activities to the quayside.¹² The prominence of women as small-scale retailers, and the authorities' unease at their activities, were common features of later medieval and early modern English towns.

One other female trade that concerned the town governors was prostitution. Fourteenth and fifteenth-century ordinances banned prostitutes from entering the town gates, and ordered them to wear striped hoods as signs of their calling. The ordinance of 1344 states that if any prostitute were to be found living within the town walls the doors and windows of her dwelling should be removed, thereby, presumably, making it difficult for her to carry on an occupation requiring a modicum of privacy. In his 1480 survey of Bristol, William Worcestre noted prostitutes living at *lez barrys*, that is, beyond the bars or barriers near St James's churchyard that marked the edge of town; he also noted, with what feelings we can only guess, that they were the tenants of his father!¹³ The ordinances relating to prostitution aimed to regulate and restrict, rather than eradicate, what the male elite, in like manner to St Augustine, doubtless regarded as a regrettable necessity. Like the female fishmongers, their trade was permitted provided it did not pollute the more respectable parts of town.

In common with other medieval towns, Bristol's economic life was regulated by its craft guilds. Women were excluded from guild office, and their activities were largely confined to social and religious functions. Evidence for female involvement in the crafts is scattered, but there is sufficient to allow a few tentative observations to be made.

Craft ordinances sometimes mention female combers, carders, spinners and dyers. The 1469/70 ordinance of wiredrawers and cardmakers stated that henceforth no person was to occupy these crafts without sufficient training, on payment of a fine, 'provided always that these acts extend nor stretch not to no burgess nor burgess's wives nor

daughters'.¹⁴ Carding itself was traditionally a female occupation. The participation of women in cordwaining is suggested by an ordinance of 1408 which complained that cordwainers' wives had been giving gifts and other inducements to their employees in order to retain their services.¹⁵ Judging by the evidence of wills, looms were a common sight in Bristol houses, suggesting widespread cloth production on a small scale, perhaps in some cases only for domestic use, even in the households of rich merchants. Therefore, a woman bequeathing one loom in her will need not have been involved in commercial cloth production. On the other hand, the widows Joan Kempson, who left three looms in 1479, and Joan Jeffrey, who left two in 1494, might well have been.¹⁶ Joan Kempson's husband Thomas left five pipes (large barrels) of woad to her in 1475/6, and she could have spent the three years of her widowhood producing cloth for the market.¹⁷

Testamentary evidence suggests that other women were active in various aspects of the Bristol textile industry. In 1476 John Brown left two pipes (large barrels) of woad and the instruments of his trade to his wife Katherine; among the bequests in Isabel Sherewyn's will of 1422 was twelve pounds of wool, and the widow Joan Ford bequeathed 'instruments pertaining to the craft of a dyer' to her grandson John Bird in 1463.¹⁸ Female dyers are referred to in an ordinance of the mid-1440s.¹⁹

The involvement of women in the weaving industry was of sufficient magnitude to cause concern to the masters of the weavers' guild. The 1461 ordinance of weavers observed that many weavers put their wives, daughters and maidservants to work at their looms, or hired them out to work at others',

by the which many and divers of the king's liege people, likely men to do the king service in his wars and in the defence of this his land, and sufficiently learned in the said craft, go vagrant and unoccupied and may not have their labour to their living.²⁰

Therefore no weaver was to employ his daughters or maidservants in this capacity, nor hire them out, and while weavers' wives could continue in their employment, subsequent generations of women were barred from practising the craft. Any weaver caught breaking this ordinance was to be fined 6s. 8d. for each offence. The king is unlikely to have depended overmuch on weavers to fight his wars, and the real problem which this ordinance sought to address was unemployment in the textile industry, brought about by trade slumps and competition from rural clothiers and London capital. The urge to protect male employment by discriminating against women has a long history.

The 1461 ordinance specifically exempted weavers' wives from its prohibition, but two years later a group of weavers petitioned the mayor that their masters were preventing them employing their own wives. The result of this petition was an ordinance which stated that 'the wife of every craft holder of weaver's craft' was 'to help and labour with her husband in the occupation of weaving'.²¹ This episode shows the value ordinary weavers placed on their wives' contribution to the business. The 1461 ordinance was doubly unrealistic: not only was it the wrong answer to the problem of unemployment; it also wilfully ignored the fact that the wives of craftsmen owed it to their husbands, children, servants and apprentices to involve themselves in the trade so that they would be prepared to take over the management of the family business in the event of their husbands' incapacity or death. Indeed, widows were expected to carry on their husbands' trades at least until creditors could be satisfied, children provided for, and positions found for servants and apprentices.

Women and Apprenticeship

Examples of widows taking responsibility for their husbands' apprentices are familiar from other later medieval towns.²² Apprenticeship was carefully regulated, and records of apprenticeship indentures have long been recognised as valuable sources for urban social and economic history. Unfortunately, extant records of the enrolment of apprentice indentures for Bristol begin only in 1532.²³ However, the study of the first decade of these indentures may be suggestive of trends for the later Middle Ages.

The great majority of apprenticeship indentures made between 1532 and 1542 name both the master and his wife. The assumption seems to have been that the master's wife would play some part in the apprentice's training and welfare, and that in the event of her husband's death the widow would take responsibility for them. In addition to couples, there are also some single masters, of whom thirteen are single women taking on a total of seventeen apprentices in a wide variety of trades. Most of these mistresses would have been widows, and indeed most are described as such, but one, Alice Saxby in 1534, appears as 'singlewoman'. Apprentices would not have been taken on by women whose aim was to wind up their deceased husbands' affairs. On the contrary, these women were looking to maintain, perhaps even to expand, the family firm.

There are also 56 female apprentices among the Bristol indentures. Fifty-six out of nearly 1500 apprentices during this ten years is assuredly a tiny minority - a little over three per cent - but it is not without significance. Two of these were apprenticed to male masters, one a

mercier, the other a pin-maker. The rest were apprenticed either to single women or to couples. In the latter case, we know that the girls were apprenticed to the wife rather than the husband because the craft they were to learn is different from that of the husband's, and in several cases the indenture specifies that it is the wife's occupation to which they would be apprenticed. The London customals, which formed the basis for many of Bristol's regulations, stated that a woman following a craft other than her husband's could take on female apprentices, but that these had to be indentured to both husband and wife. This is what appears to be happening in the case of these Bristol indentures. The practice was evidently well-established by the 1530s, and is likely to have been current in the fifteenth century, if not earlier. Certainly, there is testamentary evidence for mistresses and female apprentices in fourteenth and fifteenth-century Bristol.

Apprentices were mentioned in the wills of at least three later medieval widows: Edith Muleward in 1388, Alice Wodeford in 1407, and Joan Wiltshire in 1505. Edith Muleward and Alice Wodeford each had a female apprentice.²⁴ Another female apprentice, Alice Rede, found herself being haggled over: Margaret Sopemaker and Edward Rede, presumably a relative of Alice, could not agree over which of them should have her as apprentice, and so 'certain friends ... laboured between them to set them at rest', and organised a process of arbitration, whereby the two parties bound themselves each in £20 to abide by the arbiters' award. The arbitration was unsuccessful, and the case was brought to the court of Chancery, from whose records we learn of this affair.²⁵

Returning to the apprenticeship indentures, three of the 54 girls apprenticed to mistresses were apprenticed to widows - one as a seamstress, one as a mercier, and one as a tailor. Three were apprenticed as knitters to women whose husbands were still alive, but the remaining 48 were divided pretty evenly between those set to learn the trade of shepster - or needlewoman, a trade of lesser prestige than tailor - and those committed to housewifery, taken on to train in the skills necessary for domestic service. None of the female apprentices or mistresses was involved in weaving: evidence, perhaps, of the success of the 1461 ban on female employment, or an indication of the extent to which the Bristol weaving industry had declined by the 1530s. Knitters, shepsters and housewives, exclusively female occupations, would not have given their practitioners the sort of status or income enjoyed by the male-dominated crafts, and might have been intended as preparation for the woman's traditional role within the domestic sphere - as maidservant or wife - rather than for an independent career in business.

This evidence suggests the existence of a small, alternative female apprenticeship system, working within the more extensive framework of male apprenticeship, and at the household level running parallel with it. The two systems would have complemented rather than competed with each other, since there was a fairly clear distinction made between male and female occupations. Ideally, both sexes would have been given the skills necessary to pursue the role for which they were destined in adult life: for the male apprentices this would be within one of the craft guilds; for the females, this is likely to have been marriage to one of these craftsmen.

Women as Merchants

Customs accounts reveal that a small number of women were involved in exporting and importing through the port of Bristol. In the 33 years after 1461 50 female overseas traders appear in the customs accounts.²⁶ The most famous of these is Alice Chestre. The death of her husband Henry in 1470 allowed Alice to step into the light of the historical record. The 1472 contract she made with a carpenter to build her a fine four-storey house on High Street still survives, and the following year she appears in the customs accounts for the first time. She continued to trade until her own death in 1485. In these endeavours she traded alone, often shipping goods in her own vessels. Alice traded cloth, wine, iron and other commodities with Ireland, Spain, Portugal and Flanders. During her fifteen years of widowhood she made many charitable benefactions, particularly for the her parish church of All Saints', but she also earned the gratitude of her fellow merchants by having a crane erected on Welsh Back, at a cost of £41, 'for the saving of merchants' goods of the town and of strangers'.²⁷

Alice Chestre is very much the exception in the scale of her trading activities and the size of her fortune, but to the extent that she was a merchant widow carrying on her husband's business she is entirely typical. Most such women appear only briefly in the customs accounts, and many seem simply to be honouring their recently deceased husbands' commitments. Such, probably, were Joanna, widow of William Rowley, who for a year after her husband's death in 1479 imported sugar, oil and wax from Lisbon and woad and wine from Spain, and Margaret, widow of William's brother Thomas, who from his death in 1478 until 1481 imported wine and woad from Bordeaux, madder from Flanders and oil from Seville.²⁸ Some women are found trading in association with family members. For example, in December 1517 and the following January, Joan, John and Nicholas Thorne shipped wine in the same vessels.²⁹ Others, who figure only once or twice, importing

relatively small cargoes, may have been doing no more than buying in bulk for their own households. The customs accounts do not tell the whole story. For one thing, they do not record domestic trade. Thus, we discover that the Bristol widow Alice Richard was selling cloth to Hanseatic traders in London, not from the customs accounts, but from a Chancery suit brought in the 1480s by a Bristol dyer who claimed to have been defrauded by her and her son.³⁰ In 1489 Alice, the widow of William Bird, had more than thirteen pipes of woad in the cellar of her mansion on Welsh Back. She used the woad as surety for a debt incurred by her deceased husband, and the agreement was set down in *The Great Red Book*.³¹

At least some merchant wives would have been prepared for the commercial challenges of widowhood. In the 1430s the Bristol merchant Robert Sturmy and his wife Ellen claimed before Chancery that Ellen, 'being sole', had been bound in an obligation of £100 to abide by the award of an arbitration between herself and William Reygate of Ireland.³² The description of Ellen as 'being sole' may simply mean that she entered into this obligation before her marriage to Robert, but it is equally likely that it relates to her legal position, as a married woman who has opted for the status of a *femme sole* in order to trade independently of her husband. Certainly, in the 33 years after 1461 six women are recorded in the customs accounts trading as *femme sole*. Among them was Margaret Bartram, who between 1473 and 1488 imported wine and woad from Bordeaux, salt from Lisbon, and wine transhipped at Chepstow, and exported English and Welsh cloth to Spain.³³

There are several examples from testimonies in Chancery cases of women being given - or taking - business responsibilities during their husbands' lifetimes. One example is the wife of Thomas Yonge, who was left in charge of his business while he was away in Flanders in 1528; another is Joan Keye, who took it upon herself to discharge some of her husband's debts while he was away at sea.³⁴ In the early sixteenth century John Hethe, before embarking on a voyage, entrusted to his sister Alice the sum of £200 and the deeds to property with an annual rental value of four marks (£2 13s. 4d.). During his voyage Alice was married, and then widowed. In the meantime Hethe was shipwrecked and imprisoned. When he finally arrived back in Bristol he found that his sister, in whom he had once reposed 'great trust', refused to give him back the money and documents. Now too poor to sue her at common law, he was forced to have recourse to Chancery.³⁵

Women as Executors

Despite John Hethe's extraordinary experience, most merchant testators had sufficient trust in their wives' ability and integrity to appoint them

as their executors. Very often, the wife was appointed sole executor, only sometimes under a male supervisor. The frequency with which this was done is another indication that wives often formed one half of a business partnership with their husbands. The executor had to have a detailed knowledge of the deceased's financial affairs, and in many cases the widow was clearly deemed the best qualified person to shoulder these responsibilities. The implementation of her husband's will, the collection of debts and the provision of a tomb, charitable bequests and prayers could sometimes take years to complete. William Lewis, a Bristol burgess, appointed his widow Agnes and another Agnes Lewis as his executors. After his death both women tried to recover a debt of £57 12s. 8d. from the abbot of Evesham Abbey owed to Lewis for fish and wine he had delivered to the abbey in 1466. Lewis's widow died, and so did the abbot, and the new abbot also refused to honour the debt. Such was this abbot's influence in the locality that the surviving Agnes Lewis could not hope for justice in the Bristol courts, and so she appealed to the Chancellor, Thomas Wolsey. Since Wolsey became chancellor in 1518, at least 52 years had elapsed since the original contract was made!³⁶

Other family members could also pose problems. Agnes, widow and executor of Richard Ewen of Bristol, delivered silver plate to the value of £10 to Richard's brother John, a priest. John made his mother Joan his executor and died. Joan evidently disapproved of her erstwhile daughter-in-law and her new husband, John Henscote. She allegedly brought an action against them in the Tolsey Court for two pieces of undyed cloth which she claimed Henscote had failed to deliver to Richard thirty years earlier. Agnes claimed that she had done this as a means of preventing their recovery of the silver plate, which was now in Joan's possession.³⁷

The responsibilities of the executor could be not only burdensome, but also perilous. For some, widowhood brought the unwelcome attentions of their late husbands' creditors. One fifteenth-century widow, Joan Baten, named as executor by her husband, refused to act in this capacity because she knew that her husband's debts could not be satisfied from his estate. The property was therefore sequestered by the commissioner of the bishop of Worcester (in whose diocese Bristol north of the Avon lay) and divided among the creditors. Meanwhile, Joan fled from her husband's house, supposedly taking with her only the clothes she stood up in, and took refuge in London. Her flight was to no avail, for she was sued in a London court by one of her husband's unsatisfied creditors.³⁸

The refusal to act as executor, or denial of responsibility for their husbands' debts, was a common tactic among the widows of debt-ridden husbands. A widow trying to distance herself from her husband's creditors needed to take care, for using any part of her husband's estate

made her liable to be regarded as the administrator of his property, a role similar to that of executor, and therefore carrying responsibility for the payment of his debts. Joan Keye made this mistake. Her husband drowned at sea leaving great debts. After his drowning, but before she knew of his death, Joan used some of his property to discharge a number of his debts. Because of this, she later found herself being sued by the bailiff of Bristol as the administrator of his goods.³⁹ In the 1520s it was alleged in Chancery that Agnes, widow of the Bristol merchant John Vaughan, refused to pay Margery Jones of Hereford £22 which Margery said John had owed her for cloth. Margery further alleged that Agnes had been appointed administrator of her intestate husband's goods. Agnes denied this, claiming that the bishop of Worcester had appointed Jerome Greyn, a Bristol merchant, as her husband's administrator, but her admission that she had used money from John's estate to pay his funeral expenses may have left her vulnerable. In her rejoinder, Margery altered her story, thereby undermining its coherence somewhat, to claim that Agnes was her husband's executor (and so contradicting her earlier version), that she did not know whether or not administration had been granted to Jerome Greyn (thereby contradicting her immediately preceding statement), but adding that Agnes and Jerome had colluded in the grant of administration, so that Agnes regularly used her deceased husband's goods as though she were his executor. To muddy the waters still further, in a separate Chancery case Agnes claimed that her husband had appointed Jerome Greyn as his executor!⁴⁰ The dangers of straying into the *de facto* administration of an indebted husband's estate were realised by Agnes, widow of Stephen Knyght. Knowing of her deceased husband's debts, Agnes carefully avoided using his estate to pay his funeral expenses, and instead borrowed from others to see him decently buried; that she did see to his funeral, however, led his creditors to assume that she was his administrator.⁴¹

The often arduous task of executing a merchant's will might have been made all the more difficult by the seemingly widespread practice of making deals based on verbal, rather than written agreements. If we are to believe the testimony of numerous Chancery suits, written bonds with only verbal conditions, for the delivery of goods or payment of monies, were common. One man might agree to pay another a certain sum of money on a given date, and this would be recorded as a written bond; but the condition, that this money need only be paid if certain goods were not delivered by that date, would not be recorded, both men understanding the nature of the contract as a 'penalty clause' for non-performance. However, on the basis of the documentation alone - and this might be all that a widow-executor would have available to her - this



Lady. Temple Church, Bristol, c.1460.
(From C.T. Davis, *The Monumental Brasses of Gloucestershire* (1899))

was a straightforward promise to pay. Widows, it seems, often tried to enforce written bonds found among their husbands' papers unaware, or so the alleged debtor claimed in Chancery, that the attendant verbal conditions had already been fulfilled, or that the debt had already been discharged, but without the issuing of any written acquittance. Such was the case, allegedly, with Margery, widow and executor of John Stacy. Stacy delivered certain merchandise to another Bristol merchant, William Gryffyth, and in return Gryffyth bound himself to Stacy in two obligations of £25 each. All but £2 10s. of this debt had been paid by the time of Stacy's death, but the two men trusted each other, and so no written acquittance was made. Margery, finding among her husband's papers the obligations but no acquittance, sued William for the full £50 in the Tolsey Court.⁴²

A similar problem with alleged verbal agreements was encountered by Edith, widow of the Bristol merchant William Milton. William had died intestate and the administration of his goods was given to Edith. In or just before 1438 she tried to force Thomas Candell, another Bristol merchant, to honour an obligation of £2 6s. 8d. in which he had been bound to her deceased husband. In Chancery, Candell claimed that this sum had been paid, but that since they trusted each other, William Milton had not given him a written acquittance.⁴³

Widow-executors might also find themselves called upon to honour a real or pretended verbal obligation. In the early 1460s Maud, widow and executor of William Lose, together with her second husband John Rogers, a Bristol mercer, found themselves accused before Bristol's Tolsey Court of failing to pay John Drowar £20 which he claimed had been owed to him by William Lose in settlement of a verbal contract. Maud and John brought the case to Chancery, alleging that this was merely a ruse to confound their attempt to extract a £40 debt which Drowar had owed Lose, but that they could not hope for justice before the Tolsey Court, since Drowar had bribed the bailiff to assemble a jury sympathetic to his case.⁴⁴ Interestingly, Maud and John stated in their suit that the verbal bond is not recognised by common law, 'but only by the usage and custom of the said town [i.e. of Bristol]'. Widows, acting as executors, make frequent appearances in Bristol's Staple Court, trying to recover their husbands' debts, or themselves being sued by their husbands' creditors.⁴⁵ Women could also bring suit before the Staple Court in their husbands' absence, as Thomas Yonge's wife did in 1528, when Thomas Yatman failed to deliver cloths promised to Yonge before he left on a business trip to Flanders.⁴⁶

That some widows were well aware of the workings of the legal system, and perfectly prepared to use it to protect their interests, is

demonstrated by the case of Agnes, widow of Stephen Knyght of Bristol. In May 1438 she told the following story before Chancery. The previous year a Bristol spicer and Stephen Forster, a London merchant, had fraudulently secured a judgement of trespass against her in the Tolsey Court - she adds that only the mayor, Richard Forster presided over the proceedings, whereas both mayor and sheriff should have been present (that the mayor shared the same family name as one of the defendants may suggest other irregularities) - and she was imprisoned until she paid them the £140 which the court ordered they had the right to recover from her. After this judgement Agnes sued the clerk of the Tolsey Court for a copy of the fraudulent documents, from which it was plain that the recovery was erroneous and illegal. She then sued a writ of error in King's Bench, by force of which the present mayor, Clement Bagot, and sheriff were ordered to send a copy of the recovery to this superior court. However, the document was intercepted by her enemies, who broke the seal, falsified the record, resealed it and sent it on to King's Bench. Consequently, Agnes petitioned for a writ of *sub poena*, that would require the two mayors and the clerk of the court to answer for their management of the case before Chancery.⁴⁷ Agnes appears as a single woman, not in the company of a subsequent husband, and, while she presumably took legal advice, her suit demonstrates a good knowledge of the law as it applied both in Bristol and in the central courts. In the early 1450s she was once more at loggerheads with the town's legal bureaucracy, returning to Chancery with the accusation that the Bristol common clerk, John Joce, having been sued by her son from a subsequent marriage, Thomas Fyler, a London mercer, in retaliation sued her in the Tolsey for a feigned debt of £4 19s. 6d. Joce secured her conviction, and then entered her house and took goods to the value of £40. Agnes claimed that because of Joce's position in the town she was powerless to proceed against him in the Bristol courts.⁴⁸

Widowhood

Securing what was due to the widow by her dower, jointure, her husband's testamentary bequests and custom could be no less fraught with difficulty and danger.⁴⁹ If a woman held land in her own right, as an heiress, this would revert back to her control on her husband's death. In addition, she might have received a proportion of his moveable goods, or chattels (some of which may originally have been hers anyway, since any goods she brought to the marriage became the property of her husband during his lifetime). At least in the twelfth and thirteenth centuries the common law placed strict controls on the disposition of the husband's chattels after his death and the payment of his debts: if he left

a widow and children, one-third would go to the former and one-third was to be divided among the latter; if there were no children the widow would receive half. The share of chattels due to the widow was known as her *legitim*. The residue was expected to be used to finance the husband's religious and charitable bequests. During the fourteenth and fifteenth centuries, however, *legitim* gradually disappeared as an article of common law. Despite this, many husbands left moveable property or cash to their widows, and in doing so generally seem to have followed the pattern prescribed by the old law of *legitim*. For the landed classes, such provision did not eat into the core of their wealth. If the widow took this moveable property out of the family by a second marriage, all that was lost was a non-renewable resource, unlike land which could continue to yield profits into infinity. For the urban widow, on the other hand, her husband's movables would often have represented the bulk of his wealth. Perhaps for this reason, a form of *legitim* may have survived in Bristol, as it did in London.

Other forms of provisions which Bristol's customary law made for widows, and their differences from common law, can be illustrated by a dispute which occurred between 1527 and 1538.⁵⁰ This involved Anne Norton, widow of Andrew Norton, a Bristol gentleman with substantial lands in Gloucestershire, Andrew's son Richard, and, after Richard's death (by 1531), Richard's widow Margaret and her second husband George Gilbert esquire. The property involved was the *George Inn*, which stood on the south-east side of High Street, close to Bristol Bridge. After Andrew's death, Anne claimed the *George* as her dower, but this was contested at various times by Richard, Margaret and George Gilbert. Richard had appointed Margaret as his executor, and after her second marriage Gilbert acted on his wife's behalf to recover what they saw as Richard's rightful inheritance, including the *George*. Anne claimed that she was entitled to the property as her common law dower of one-third of the landed property which her husband Andrew had held during their marriage.

Her opponents asserted that Bristol custom negated this aspect of common law, by providing that widows could only claim the property which had been assigned as their dower when the marriage was made 'at church door' (a reference to the practice of holding weddings in the church porch rather than in the body of the church, since such ceremonies were considered to smack too much of carnality to be allowed inside the church). Anne claimed either that such a custom did not exist, or that if it did it that common law overrode it. Such local customs were by no means rare, and had the force of law. In thirteenth-century Bristol, it seems to have been the case that the widow's rights

to her husband's freehold property were limited to two elements: her dower given at the church door, comprising named properties making up one-third of her husband's total holding at the time of marriage, and freebench. The latter was the widow's right to occupy her husband's principal dwelling until her death or remarriage. At this time Bristol custom was broadly in line with the law of the land, but as common law developed it came to treat the widow's dower as being one-third of all the freehold property the husband had held at any time during the marriage, so that even property which had been granted to others without the wife's permission could be included when it came to calculating her dower. The Bristol custom clearly provided a greater restriction on the widow's rights, since by this the widow had no claim on the property acquired by her husband after the apportionment of dower at church door. In his study of Bristol customary law Dr Veale was unable to find confirmation that this custom persisted in Bristol after the thirteenth century.⁵¹ The Norton case proves, at the very least, that this custom was remembered in sixteenth-century Bristol, even if not actually in operation. One might imagine that there would be little room for doubt or dispute about such a common matter as the arrangement of dower, but it may be that this was little used in sixteenth century Bristol.

By the sixteenth century most landed families were no longer dependant on the dower to provide for widowhood, preferring the jointure.⁵² This device came about when, at the time of marriage, a certain proportion of the husband's property was enfeoffed to be held to the joint use of husband and wife in survivorship; if the wife was left widowed, the jointure property would be held by the feoffees to her sole use. To some extent this was a return to the principles of dower apportioned at church door, with the addition of refinements made possible by the growth of the use. The jointure gave the husband's family much more control over its property, and, in theory, made the widow more sure of her financial security. The jointure was often made conditional on the wife never claiming her dower, and so the latter ceased to be the usual means of supporting the widow. Urban families whose wealth lay in money and movables rather than land, tended to adapt the jointure to their particular circumstances, with an annuity replacing landed property. Perhaps for some reason such arrangements, either providing a jointure in lands or an annuity, were not made between Andrew and Anne Norton, with the result that she had to stand on her right to dower, a right which was susceptible to conflicting interpretations. While the retention of *legitim* would certainly have made sense in terms of securing the widow's interest, the continuance of dower given 'at church door' in later medieval Bristol would suggest that these

variations from common law were at least as much the product of local conservatism and inertia as concern for the fair treatment of women.

Even jointure did not ensure a peaceful widowhood. According to Joan, widow of John Gaywood senior, a gentleman of Bristol, her husband had entrusted certain of his lands and tenements in Bristol and its suburbs to be held as her jointure. In his will he had declared that Joan should have these properties and the corresponding deeds, but after his death his son had evicted her and taken the deeds. Without these vital pieces of evidence it was impossible for Joan to prove her right to her jointure under the common law.⁵³ Another Joan, the widow of John Jay, faced problems securing her property in August/September 1480, probably within weeks of her husband's death. Joan was the sister of William Worcestre. The dispute over her land was largely the cause of her brother's return to his birth-place in the late summer of 1480, and therefore indirectly responsible for his famous survey of the town.⁵⁴

For those widows who did manage to secure what was owing to them, and for whom this was sufficient to guarantee a comfortable existence, widowhood could bring unprecedented financial independence. Such women could cultivate their own circles of friends, develop their own tastes, and exercise their own patronage, sometimes perhaps for the first time in their lives. Their wills reveal something of the opportunities that widowhood could open up. Most of the friends to whom Bristol's female testators left bequests were female. Many of these bequests took the form of personal items, and one can speculate that many of these had particular sentimental associations: male friends, on the other hand, tended to receive money. Female servants were also more likely to be remembered in their mistresses' wills than their male colleagues.⁵⁵

For many other women, however, widowhood must have been an uncertain, miserable time. The early Tudor subsidy rolls demonstrate the great variation in wealth among Bristol widows. To take the 31 widows assessed in Trinity Ward in 1523/4 as a sample, at one extreme we find such wealthy widows as Joan Broke in Redcliffe Street, whose goods were assessed at £40, her near neighbour Cecily Bedford, assessed at £80, and wealthiest of all, Joan ap Rhys, living on Welsh Back, with goods valued at £200. By contrast, six out of the 31 Trinity Ward widows had goods valued at only £1, including Katherine Adams, a resident of the generally well-heeled Redcliffe Street. Ten more widows had £2 worth of assessed goods, so that half of this sample were living in conditions of appreciable hardship.⁵⁶ While similar disparities in wealth could of course be found among single men and families, it is almost certain that Bristol women on average experienced a sharp decline in their incomes after the death of their husbands. Poverty, and

the need for a man to defend their rights in the courts, as much as the desire for companionship, would have prompted many widows to seek another husband.

Conclusion

The stories presented in this pamphlet may have given the impression that women's commercial lives in later medieval Bristol were beset by controversy. If so, then this is largely the result of the sort of evidence we have to draw upon. Much of what we know about medieval women comes from court cases or town ordinances: the former were products of dispute, the latter - insofar as they touched upon women - of attempts by the male political elite to regulate, if not constrain, female activity. While there is little doubt that later medieval women endured lower status and greater restrictions than their male counterparts, the evidence from Bristol, as from other towns of the period, shows that many urban women were still able to engage in a wide range of economic activities. Often, they shouldered considerable responsibilities, and sometimes demonstrated business skills and legal knowledge of a high order. The breadth of opportunity open to women tended to reflect their socio-economic rank: as with their menfolk, the more privileged their position within the urban hierarchy, the greater their freedom of action. For every Alice Chestre, there were scores of women forced either to eke out a living from various marginal or illegal activities, or to survive on charity. But such was the case for men as well. The difference for women was that whatever initiative urban women were able to exercise was always contained within social and economic structures determined by men. However, while the evidence presented above cannot on its own prove the case for a 'golden age' for women, nor does it suggest a picture of unalloyed gloom and repression.

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I should like to thank Dr Joe Bettey for his comments on an early draft of this text: all errors and questionable judgements, of course, are my own. Unless otherwise stated, all manuscript references are to the Public Record Office, Kew.

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